MR. CHAIRMAN : The question is—

" That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(4) THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS (MADRAS AMENDMENT BILL, 1961 (L.A. BILL NO. 24 OF 1961).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

" That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill[a], 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

The Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950) provides for the stay of proceedings in execution of a decree in a suit for the recovery of possession of a holding, so far as they relate to the delivery of possession of the holding.

The Act was in force in the Kanyakumari district and Shencottah taluk at the time of their transfer to this State from the former Travancore-Cochin State in 1956. Consequent on the extension to the Shencottah taluk of the Cultivating Tenants Protection and Fair Rent Acts by the Madras Act 28 of 1959, with effect from 2nd March 1960, the Holdings (Stay of Execution Proceedings) Act ceased to be in force in that taluk. It is now in force only in the Kanyakumari district.

The life of the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district is due to expire on the 24th September, 1961. Pending a decision on the policy to be adopted with regard to the land tenure systems prevalent in that district, it has been decided to extend the life of the Act by two years from the 25th September 1961.

The extension is sought for till the time that we have a Bill dealing with the peculiar land tenure systems there. The Travancore-Cochin Act has given this protection, that is, the possession of the holding will not be disturbed. It is not a question of safeguarding the decree or suit. Here the possession should not be disturbed. So, whoever has been in possession should not be disturbed. So, till we finally bring in legislation in this matter, whoever is in possession will not be disturbed. It is only this protection that is given in the Bill. This Bill is brought forward now because some more time will be taken to introduce legislation in the Kanyakumari District.

Sir, I request the House to accept the motion.

a Printed as Appendix VI on page 336 infra.

30th August 1961]

MR. CHAIRMAN : Motion moved—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

SRI K. BALASUBRAMANYA AYYAR : Sir, I have to repeat the same thing that I said against the Tenants Protection (Amendment) Bill. This Bill is still worse, because the Holdings (Stay of Execution Proceedings) Act was passed by that Government. When they wanted to have some sort of protection for their tenants, they passed that law. This Government have taken it on and they are now extending it. Already this Act was extended for 11 years and six months from the commencement of the Act. Now this Government want to extend it for a further period of two years. The stay of the execution of a decree cannot go on endlessly. It has already been in force for 11 years, and the Government want to extend it still further. The Government are happy, but they must understand how the people will be happy. They must decide finally one way or the other about the rights of parties. Here I would have to repeat what Sri P. T. Rajan said. Either get rid of us or retain us. Do not go on prolonging our travail. I may repeat that it is a suit for recovery of possession. The decree has been given for recovery of possession. I am not on the principle of it, because that is all over now. But we must take some action now. So far as the immovable property is concerned, twelve years is the limitation period. On account of this Act, the limitation does not operate and the matter is kept pending. Otherwise, the title to the land will be extinguished after twelve years. The Government have kept it alive on account of the provisions in this Act. Originally it was for a period of eleven years. Now the Government are extending it by another two years. It comes to thirteen years—beyond the period of limitation. Under the Limitation Act, after twelve years the title of the person will become extinguished and the man in possession of the property will claim adverse possession.

THE HON. SRI M. A. MANICKAVELU : Sir, I thought on this Bill I would be on better ground. The hon. Member says that I am on a worse ground, because the Act of 1950 has been extended by 11 years and now it is sought to be extended by another two years. Sir, this relates to an area which is an appendage which we got where the land tenures are somewhat peculiar. It takes a longer time to understand them than our own tenures.

SRI K. BALASUBRAMANYA AYYAR : Is it appendage? We wanted it and we got it.

THE HON. SRI M. A. MANICKAVELU : It is not in the nature of an appendix but an appendage which means that we got something extra. I did not use it in any other sense. The tenures are of different kinds. For example, there are the Pandaravagai,

Maniankaram, Tirupuvaram, and all sorts of peculiar systems of land tenure. It took some time for us to understand them. Not only this. We had to correspond with the Maharaja of Travancore and the Travancore Government. So, it took some
4-10 p.m. time. I am not suggesting a new system of tenure. What I submit is, with regard to this, I am somewhat justified in asking for extension. This is a new tenure with which we are dealing. I hope there won't be any necessity for any further extension. I think this will be the last. Meanwhile, all these legislative reforms will be over.

MR. CHAIRMAN : The question is—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (LA. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Holdings (Stay of Execution Procedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be passed".

MR. CHAIRMAN : The question is—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be passed".

The motion was put and carried and the Bill was passed.

(5) THE MADRAS PAWNBROKERS (AMENDMENT) BILL, 1961 (L.A. BILL NO. 30 OF 1960).

* THE HON. SRI M. A. MANICKAVELU : Sir I move—

"That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be taken into consideration".

Sir, originally the provisions of this Bill were incorporated in the Money Lenders Bill. It was thought desirable to delete them from that Bill and bring forward a separate Bill, modifying the Pawnbrokers Act. Sir, there was a Select Committee on this Bill and hon. Members of this House were also invited.

* Printed as Appendix VII on pages 337–345 infra.

TAMIL NADU LEGISLATIVE ASSEMBLY — TRUTH ALONE TRIUMPHS